

Atty Bell, Melinda S., sole practitioner of San Juan Capistrano (for Lee Ann Hitchman and Bruce Hitchman, professional fiduciaries, Co-Trustees)

Status Hearing Re: Kyle's Benefits

Age: 12 years		<p>LEE ANN HITCHMAN and BRUCE HITCHMAN, professional fiduciaries, were appointed Co-Trustees of the KYLE YANG SPECIAL NEEDS TRUST on 1/5/2012.</p> <p>Minute Order dated 3/4/2013 from the hearing on the <i>First Account and Report of Trustee</i> states Ms. Bell is appearing via conference call. Counsel informs the Court that the language barrier has not been an issue as the aunt has been communicating with the beneficiary's parents to the extent that there has been complete communication. The Court grants the petition and authorizes the Benefits Advisor and Care Manager to each receive up to \$2,500.00. Counsel is directed to submit a revised order.</p> <p>Order on First Account and Report of Trustee, etc., filed 3/13/2013 authorizes an amount up to \$2,500.00 to a Public Benefits Advocate/Government Benefits Advisor, and an amount up to \$2,500.00 to a Care Manager; and set a status review hearing on 6/7/2013 at 9:00 a.m. for report on the services of the Care Manager and Government Benefits Advisor.</p> <p>Minute Order dated 6/7/2013 states Ms. Bell is appearing via CourtCall. The Court authorizes an additional \$2,000.00. Said amount is to be in addition to the \$2,500.00 that was previously authorized. Same terms and conditions will apply. Counsel is advised that an order will not be necessary as the minute order will suffice. Matter continued to 8/9/2013.</p> <p>~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Notes for background:</p> <ul style="list-style-type: none"> This Court established on 1/5/2012 the KYLE YANG SPECIAL NEEDS TRUST funded with the proceeds of a litigation settlement in a Fresno Superior Court Minor's Compromise case involving the SNT Beneficiary, a 12-year-old minor victim of a house fire who sustained severe second and third degree burns to his face, neck, and both upper extremities, and who has been diagnosed with Post-Traumatic Stress Disorder, Major Depressive Disorder, Reading Disorder, and Insomnia. Co-Trustees requested in the <i>First Account and Report of Trustee, etc.</i>, instructions from the Court regarding payment to a Government Benefits Advisor, which the SNT terms authorize the Trustee to engage for advising the Co-Trustees concerning the availability of government benefits for the beneficiary, including but not limited to Supplemental Security Income (SSI) and Medi-Cal, which the beneficiary is not currently receiving but may be entitled to, as well as In Home Support Services (IHSS) and Regional Center Benefits. The <i>First Account and Report of Trustee</i>, shows an ending property on hand as of 11/30/2012 of \$226,740.77. Please see additional pages for notes on the <i>Status Report</i> filed 10/23/2013 indicating the Trustee's significant and commendable efforts for ensuring the special needs of the SNT Beneficiary are met by the SNT.
Cont. from 060713, 080913			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
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Notice of Hrg			
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Objections			
Video Receipt			
CI Report			
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Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Status Report by the Trustees of the Kyle Yang Special Needs Trust filed 10/23/13 states:

- The Care Managers, Cindie Van Noy and Michelle Gyle, are still engaged and continue to provide follow-up services to Kyle; the Care Managers are developing a good relationship with Kyle and his family;
- It is vitally important that the Care Managers maintain a trust relationship with Kyle's parents, to avoid the appearance that the Care Managers are a "higher authority" and possibly convey to Kyle's parents the incorrect assumption that they have little voice in their son's care and education;
- The Care Managers have identified a Hmong translator, who works with County Health Services, as well as private translation services;
- Trustees worked with the Kyle's family to identify the following government benefits Kyle currently receives:
 - Kyle's current medical care is provided by Medi-Cal through its managed care provider, CalViva;
 - Kyle and his family currently receive TANF food stamp benefits;
- Trustees and the Care Manager worked with Kyle's parents to determine the following background information for the Care Manager:
 - Kyle is enrolled in his local public school in grade 8 and does not currently receive any intervention resources;
 - Kyle does not currently receive SSI benefits, Regional Center Benefits or an Individual Education Plan;
- On 8/8/2013, the Care Managers conducted a home visit with Kyle and his parents to follow up on initial assessments and recommendations, and reviewed each recommendation with Kyle and his parents:
 - **Counseling services:** Initially, Kyle's parents were uncomfortable with the recommendation that Kyle receive counseling, which may be a result of cultural traditions amongst the Hmong people as counseling has traditionally been an unfamiliar option for the Hmong people, and can convey or indicate a sign of weakness because the individual is receiving support outside the normal family structure; among traditional Hmong people, help is provided by family, a shaman or male clan elders, and these deeply held cultural and spiritual beliefs are important and should not be viewed negatively but rather convey the importance and value of strong family bonds and traditions held by Hmong people;
 - The Care Managers were able to convince Kyle's parents to allow him to be evaluated by Fresno County Mental Health; on 9/6/2013, the Care Manager accompanied Kyle and his mother, Doua, to Fresno County Health for a walk-in visit and evaluation as it is not possible to make an appointment; Kyle met with an intake worker who registered him with County Health Services;
 - Kyle was evaluated by Bau Xiong (Kay), a marriage and family therapist, who speaks the Hmong language, but not fluently; Kay was assisted in translation by Gia Lee, a translations specialist employed by County Health; Kay spoke at length with Kyle, his mother, and the Care Manager, and then privately evaluated Kyle; Kay determined that Kyle would benefit from counseling services and made the referral to Fresno County Mental Health; Kay indicated that the wait time for services would be ~6 weeks, and indicated on the referral that Kyle's case was a priority;
 - During the 9/6/2013 evaluation, Kay discussed the prospect of burn scar revision/plastic surgery with Kyle, and he reports that he does not want to currently pursue this option because the treatment and healing of his wounds was very painful and very traumatic for him; Kay opines that Kyle may revisit the possibility of burn scar revision/plastic surgery in the future; **~Please see additional page~**

Status Report by the Trustees of the Kyle Yang Special Needs Trust filed 10/23/13, continued:

- The Care Managers have reported that Kyle and his family expressed an interest in a possible Shaman Festival for Kyle; Trustees are informed and believe that Kyle and his family's cultural and spiritual beliefs incorporate shamanism as an important aspect of their lives; it is undetermined if a Shamanistic Festival will incorporate a traditional "[rite] of passage" or if it will more likely be a Shamanistic Festival of support, love, respect and gratitude toward Kyle for overcoming the trauma he experienced as a result of the fire and his injuries; acknowledging the spiritual beliefs and values, as well as consulting with the participation of a shaman may promote overall success within Kyle's journey toward adulthood in a bicultural family and society; the Care Manager is following up with Kyle and his family to determine how Kyle's trust can assist with the shamanistic ceremony;
- On 10/6/2013, the Care Manager followed up with Fresno County Mental Health (6 week wait had passed), and the Care Manager was informed that the wait for services was extended to ~8 weeks; the Care Manager requested to speak with a supervisor regarding the wait time and was forced to leave a message; the Care Manager continued to follow up with additional messages regarding Kyle's benefits on 10/18/2013 and 10/21/2013, and as of [10/22/2013], the Trustees are informed that Fresno County Mental Health has not returned any phone calls;
- **Academic progress:** The Care Manager has been informed that progress reports for Kyle will be available at the end of October or early November, and the Care Manager will review the progress report and then contact Kyle's school and obtain recommendations regarding academic assistance and resources available to Kyle;
- **Computers, software and cell phone for Kyle:** The Trustees purchased and delivered a computer, printer and software to assist Kyle with his school work; additional recommendations regarding education software will be considered once the care manager has consulted with Kyle's school; the Trustees are currently working toward providing Kyle with a cell phone and cell service pursuant to Kyle's request and the recommendation of this Court;
- **Outdoor activity supplies:** The Trustees purchased and delivered a bicycle to Kyle so that he can engage in outdoor activities at his leisure; the Trustees stand ready to disburse for other outdoor activities at the recommendation of Kay;
- Trustees have not engaged a government benefits advisor as of yet because of a lack of medical records to support applications for SSI and Regional Center services; after receipt of treatment records showing medical evidence of significant disability, Trustees will engage the services of a government benefits advisor to assist the family in obtaining additional benefits for Kyle.

Note for Background: Status Report by the Trustees of the Kyle Yang Special Needs Trust filed 6/5/2013, contains Exhibit A, Summary of Assessment and Recommendations Report ("Care Manager Report") dated 4/24/2013, which provides a narrative regarding the care manager asking Kyle's parents about their thoughts on using special needs trust funds to benefit Kyle, and his parents indicating they were having difficulty thinking of things that would benefit Kyle. Care Manager Report states Kyle's sister mentioned the need for shoes and clothing items, and that Kyle indicated some interest in summer camps and counseling but was somewhat hesitant with considering new situations. Care Manager Report also reports that Kyle stated he would like a cellular phone, and that Kyle and his family also expressed interest in further cosmetic surgeries which they are uncertain if Medi-Cal would cover.

Frank K. Ishii DOD: 11-10-93		GERALD ISHII , Beneficiary and Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11-26-12, 1-14-13, 2-25-13, 3-29-13, 5-17-13, 6-28-13, 8-30-13, 9-27-13 See Page 3 for details.
Lily Y. Ishii DOD: 3-7-05			
Cont. from 070212, 072712, 083112, 092712, 112612, 011413, 022513, 032913, 051713, 062813, 083013, 092713		Petitioner states he and LESLIE ISHII (Respondent) were named successor co-trustees of the ISHII FAMILY TRUST DATED 3-3-92 (the "Trust") . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in Frank K. Ishii & Sons, Inc. , a California corporation owned by the Settlor.	
Aff.Sub.Wit.			
✓	Verified	At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created: <ul style="list-style-type: none"> • The FRANK K. ISHII TRUST • The ISHII FAMILY MARITAL DEDUCTION TRUST • The ISHII FAMILY SUVIVOR'S TRUST (revocable) 	
	Inventory		
	PTC	On 3-15-95, Lily Ishii , individually and as Trustee of the Trust, assigned a 36.44% interest to the FRANK K. ISHII TRUST , a 13.56% interest to the ISHII FAMILY MARITAL DEDUCTION TRUST , and a 50% interest to the ISHII FAMILY SUVIVOR'S TRUST of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.	
	Not.Cred.		
✓	Notice of Hrg	Lily Ishii died on 3-7-05 and he and LESLIE ISHII (Respondent) became Co-Trustees.	
✓	Aff.Mail w		
	Aff.Pub.	Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur: <ul style="list-style-type: none"> • \$75,000.00 to Sharon J. Shoji (daughter) • One-half of the remaining balance to Gerald • One-half of the remaining balance to Leslie 	
	Sp.Ntc.		
	Pers.Serv.	As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.	
	Conf. Screen		
	Letters	SEE PAGE 2	
	Duties/Supp		
	Objections		
	Video Receipt		
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	Citation		
	FTB Notice		

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A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

Petitioner requests that:

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickel to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues. This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

SEE PAGE 3

PAGE 2

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

Status Report filed 1-7-13 by Attorney Fanucchi states further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.

Status Report filed 1-9-13 by Attorney Burnside states inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.

Status Report filed 2-19-13 by Attorney Fanucchi states Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.

Status Report filed 2-19-13 by Attorney Burnside states the accountants had to reschedule their meeting and further continuance is needed.

Minute Order 5-17-13: Ms. Burnside advises the Court that they have resolved a few things and are making progress. Ms. Burnside further advises that the CPSs are still trying to get together.

Minute Order 6-28-13: Continued to 8-30-13.

Minute Order 8-30-13: Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13.

Minute Order 9-27-13: Continued to 10-25-13.

Status Conference

Frank K. Ishii DOD: 11-10-93	GERALD ISHII, Beneficiary and Co-Trustee, filed the petition at Page 6A on 5-17-12.	NEEDS/PROBLEMS/COMMENTS:
Lily Y. Ishii DOD: 3-7-05		
	LESLIE ISHII, Beneficiary and Co-Trustee, filed an objection on 6-21-12.	Note: See Page 2A for details of the petition and file to date.
	Hearings have been continued since 7-2-12.	
Cont. from 032913, 051713, 062813, 083013, 092713	Minute Order 8-30-13: Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13.	
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 2B - Ishii

Probate Status Hearing Re: Filing Inventory and Appraisal

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> I&A filed 8-30-13
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
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	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 10-22-13
			Updates:
			Recommendation:
			File 3 – Cunha

4

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 4/29/2001	<p>JOY J. SAEVIG was appointed as Administrator with Will Annexed, with Limited IAEA authority and without bond on 11/30/2001.</p> <p>Letters issued on 11/30/2001.</p> <p>Inventory and appraisal was due on 3/30/2002.</p> <p>First account or petition for final distribution was due 11/30/2002.</p> <p>Notice of Setting Status Hearing was mailed to Attorney Roger A. Saevig on 7/25/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/6/2013, 10/11/2013.</p> <p>Minute order 9/6/2013 indicates there were no appearances and set an Order to Show Cause. (Page 5B)</p> <p>Minute order 10/11/2013: No appearances. The probate examiner is directed to contact the local Probate Bar given that Attorney Roger Saevig is deceased.</p> <p>1. Need Inventory and Appraisal and First Account and/or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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UCCJEA		
Citation		
FTB Notice		

Reviewed by: KT
Reviewed on: 10/23/2013 (skc)
Updates:
Recommendation:
File 5A – Hendrickson

5A

Order to Show Cause Re: Failure to Appear (As to Roger Saevig and Joy Saevig)

DOD: 4/29/2001	<p>JOY J. SAEVIG was appointed as Administrator with Will Annexed, with Limited IAEA authority and without bond on 11/30/2001.</p> <p>Letters issued on 11/30/2001.</p> <p>Inventory and appraisal was due on 3/30/2002.</p> <p>First account or petition for final distribution was due 11/30/2002.</p> <p>Notice of Setting Status Hearing was mailed to Attorney Roger A. Saevig on 7/25/2013.</p> <p>Minute Order dated 9/6/13 states the Court sets the matter for an Order to Show Cause regarding Joy Saevig and Roger Saevig's failure to appear. Joy Saevig and Roger Saevig to be personally present.</p> <p>A copy of the Order to Show Cause, the minute order and the examiner notes was mailed to both Joy Saevig and Roger Saevig on 9/20/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 10/11/2013</p> <p>Minute order 10/11/2013: No appearances. The probate examiner is directed to contact the local Probate Bar given that Attorney Roger Saevig is deceased.</p>
Cont. from 101113		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 10/23/13 (skc)</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B - Hendrickson</p>		

5B

Atty Kruthers, Heather H. (for Public Administrator – Successor Administrator)

Atty Leonard, Laura (pro per – daughter)

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 06/22/07		<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.</p> <p>Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.</p> <p>Inventory & Appraisal, partial no. 1 filed 07/24/13 - \$1,619,273.76</p> <p>Clerk's Certificate of Mailing filed 10/08/13 states that a copy of the Minute Order from 10/04/13 was mailed to Larry Donaldson on 10/08/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 10/04/13 Minute order from 10/04/13 states: No appearances. Matter is continued to 10/25/13. The Court orders Larry Donaldson to be personally present on 10/25/13.</p> <p>Minute order from 07/26/13 states: Mr. Donaldson advises the Court that he filed a status statement yesterday. He further advises that the accounting is being done however he may have a conflict which may require another attorney to complete the work in this matter. The Court on its own motion accepts Mr. Donaldson's withdrawal as Executor in this matter and appoints the Public Administrator. Mr. Donaldson is directed to contact Ms. Kruthers.</p> <p>Note: Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>As of 10/01/13, the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Final Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution.
Cont. from 012513, 032913, 042613, 072613, 100413			
Aff.Sub.Wit.			
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Citation			
FTB Notice			

Reviewed by: JF
Reviewed on: 10/22/13
Updates:
Recommendation:
File 6 - Wallace

Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 01/17/2011	DEBORAH LYNN KAMINE , daughter, was appointed Executor with full IAEA authority without bond on 05/12/2011. Letters issued 05/12/2011.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR INVENTORY AND APPRAISAL FILED ON 10/11/2013</u>
Cont. from 101113		
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	Reviewed by: LV	
	Reviewed on: 10/23/2013	
	Updates:	
	Recommendation:	
	File 7 - Blankenship	

Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 08/26/2011	MARK F. ELLSON , son, was appointed Executor with full IAEA authority without bond on 03/15/2012. Letters issued on 03/15/2012.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR INVENTORY AND APPRAISAL FILED ON 10/11/2013</u>
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	Reviewed by: LV	
	Reviewed on: 10/23/2013	
	Updates:	
	Recommendation:	
	File 8 - Ellson	

DOD: 10-22-11		<p>WILL SCOTT, JR., son, was appointed successor Administrator with limited IAEA without bond on 02/08/13 pursuant to a Stipulation for Settlement filed 2-6-13.</p> <p>Letters of Administration were issued on 2-8-13.</p> <p>On 4-12-13, the Court sent notice of status hearings for filing of I&A on 5-24-13 and filing of first account or petition for final distribution on 10-25-13.</p> <p>Note: Inventory and Appraisal has not been filed. Status hearing for filing I&A was continued numerous times and on 10-11-13 was again continued to 1-10-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note re history:</u> Michelle Scott, daughter, was originally appointed as Administrator with Will Annexed and the Will dated 6-10-11 was admitted to probate on 2-2-12.</p> <p>Will Scott Jr., filed a Will Contest. Pursuant to Stipulation for Settlement filed 2-6-13, Michelle Scott resigned and Will Scott Jr., was appointed as Successor Administrator with limited IAEA without bond.</p> <p>Letters issued 2-8-13. Upon issuance of Letters the Court set status dates for filing I&A and petition for final distribution.</p> <p>The original petition estimated personal property valued at \$150,000 and real property that was encumbered for its entire value of \$300,000.</p> <p>Creditor's claims have been filed, and partially allowed.</p> <p>The Stipulation for Settlement indicated \$57,250 held in attorney Fanucchi's trust and discussed estate assumption of liabilities on creditor's claims as well as other litigation and various releases and waivers by the parties.</p> <p>An unverified status report filed 10-10-13 in connection with the continued status hearing on filing the I&A stated that it appears there are no estate assets, but they have not had time to do an I&A.</p> <p>1. Need status of estate.</p> <p><u>Note:</u> The status hearing for filing an I&A was continued to 1-10-14.</p> <p>Mr. Fanucchi requests that this hearing be continued to the same date per status report filed 10-23-13.</p>
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 10-22-13	
		Updates:	
		Recommendation:	
		File 9 – Scott	

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 03/25/2012		<p>DAVID BRANDL, son, was appointed Executor with full IAEA authority without bond on 05/30/2012.</p> <p>Letters issued on 05/30/2012.</p> <p>Former Status Report of Attorney J. Stanley Teixeira filed 09/27/2013 states since the last report, Mr. Brandl has been actively working with RBC Wealth Management to effect sale of stock held by the estate.</p> <p>Ms. Gail Carver of RBC Wealth Management informed Attorney Teixeira that the sale should be "completed in about a week."</p> <p>Beneficiaries of the estate have executed waivers of accounting, copies of which are attached hereto as Exhibit "A" and incorporated herein by reference.</p> <p>A draft of the petition for final distribution has been prepared. Upon receipt of information about the sale amount for the stock it will easy to complete the petition and have Mr. Brandl review and sign it so that it may be filed with the Court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 072613, 092713			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
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Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
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Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LV</p> <p>Reviewed on: 10/23/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Brandl</p>	

**Probate Status Hearing Re: Filing of First Account or Petition for Final Distribution
(Prob. C. §12200, et seq.)**

DOD: 05/22/12		<p>JIM D. REIS, brother, was appointed Administrator without bond on 08/14/12. Letters of Administration were issued on 08/15/12.</p> <p>Inventory & Appraisal filed 04/17/13 - \$332,372.12</p> <p>Status Report filed 10/15/13 states: There are several contributing to the slow progress toward completion of the estate, including, 1) the need to meet the deadlines to complete their mother's estate, for which Jim Reis, was the personal representative also; 2) the distance of the decedent's home has limited the Administrator's ability to work on the estate to weekends; 3) Cataloging of the extensive collection of die cast cars and coins; 4) hours, days and weekends needed to clear out enough of the house to sore through the huge, hoarder, volume of the decedent's "collections", overflowing files, cabinets, desks, shelves, closets, storage containers, to be sure that any needed information would not be discarded; 5) Truckloads of junk, scrap metal and cardboard have been hauled away and the 3 cubic yard dumpster has been filled and dumped 10 times; 6) Finding homes for the decedent's cats and still trying to eliminate their odor from the house; 7) completing a list of repairs needed to be able to sell the house.</p> <p>The Administrator requests the Court's patience concerning closure of this estate and requests that the Court allow him additional time to close the estate.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202 Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 10/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Reis</p>	

DOD: 06/16/12		<p>MARY LEIGH JORGENSEN, daughter, was appointed Administrator without bond on 09/04/12. Letters of Administration were issued on 09/07/12.</p> <p>Status Conference Statement filed 10/23/13 states: The administrator has sold the decedent's real property and performed all other functions in administering the estate. The only action remaining is to sell the decedent's antique piano with an estimated date of death value of \$5,000.00. The administrator is hopeful that a sale of this item will be completed within the next 30 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting and/or Petition for Distribution.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
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Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 10/22/13	
		Updates: 10/24/13	
		Recommendation:	
		File 12 – Storey	

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Judgment of Final Distribution was filed 3-12-13.
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc Reviewed on: 10-22-13 Updates: Recommendation: File 13 – Goss

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD:6-26-12	KEVIN CONLEY , Son, was appointed Executor with Full IAEA without bond on 8-29-12 and Letters issued on 9-7-12.	NEEDS/PROBLEMS/COMMENTS: <div style="text-align: center; border: 1px solid black; padding: 5px; margin: 10px 0;"> <u>OFF CALENDAR</u> </div> Petition for Final Distribution filed 10-15-13 is set for hearing 11-19-13.
	At hearing on 8-29-12, the Court set this status hearing for filing the first account or petition for final distribution.	
<input type="checkbox"/> Aff.Sub.Wit.		<input type="checkbox"/>
<input type="checkbox"/> Verified		<input type="checkbox"/>
<input type="checkbox"/> Inventory		<input type="checkbox"/>
<input type="checkbox"/> PTC		<input type="checkbox"/>
<input type="checkbox"/> Not.Cred.		<input type="checkbox"/>
<input type="checkbox"/> Notice of Hrg		<input type="checkbox"/>
<input type="checkbox"/> Aff.Mail		<input type="checkbox"/>
<input type="checkbox"/> Aff.Pub.		<input type="checkbox"/>
<input type="checkbox"/> Sp.Ntc.		<input type="checkbox"/>
<input type="checkbox"/> Pers.Serv.		<input type="checkbox"/>
<input type="checkbox"/> Conf. Screen		<input type="checkbox"/>
<input type="checkbox"/> Letters		<input type="checkbox"/>
<input type="checkbox"/> Duties/Supp		<input type="checkbox"/>
<input type="checkbox"/> Objections		<input type="checkbox"/>
<input type="checkbox"/> Video Receipt		<input type="checkbox"/>
<input type="checkbox"/> CI Report		<input type="checkbox"/>
<input type="checkbox"/> 9202		<input type="checkbox"/>
<input type="checkbox"/> Order		<input type="checkbox"/>
<input type="checkbox"/> Aff. Posting		<input type="checkbox"/>
<input type="checkbox"/> Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/> UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/> Citation	<input type="checkbox"/>	
<input type="checkbox"/> FTB Notice	<input type="checkbox"/>	
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 14 – Conley

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> First and Final Report of Executors was settled on 6-12-13.
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 10-22-13
			Updates:
			Recommendation:
			File 15 – Lencioni

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 2-9-12	GEORGE HERNANDEZ , Son, was appointed as Administrator with Full IAEA without bond on 9-4-12 and Letters issued on 9-5-12.	NEEDS/PROBLEMS/COMMENTS: 1. Need first account or petition for final distribution or status report per local rules.
	At hearing on 9-4-12, the Court set this status hearing for filing of the first account or petition for final distribution.	
	Final I&A filed 10-12-12 indicated a total estate value of \$66,800.55 including cash and real and personal property.	
	Various creditor's claims have been filed.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 16 – Hernandez

Status Hearing Re: Filing the First Account and/or Petition for Final Distribution

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Judgment of Final Distribution was filed 3-26-13.
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skc			
Reviewed on: 10-22-13			
Updates:			
Recommendation:			
File 17 – Strickland			

DOD: 02/14/12		RICHARD DEWAYNE PHILLIPS , father, was appointed Administrator with Full IAEA and without bond on 12/04/12.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order from hearing on 12/04/12 set this matter for status regarding filing of the Inventory & Appraisal.	CONTINUED FROM 04/26/13 Minute Order from 04/26/13 states: Counsel informs the Court that they are waiting on the litigation to get underway. Counsel requests a continuance.
Cont. from 042613			
Aff.Sub.Wit.		<p>Status Report filed 04/25/13 by Richard Dewayne Phillips, states: On 04/15/13, Petitioner, in his capacity as personal representative of decedent's estate, filed a complaint against the County of Fresno and other defendants in United States District Court, Eastern District of California, alleging violation of the decedent's civil rights. The lawsuit is based on the fact that decedent was murdered while in custody of Fresno County. The complaint was filed by Anthony Boskovich, Esq. of the Law Office of Anthony Boskovich in association with the law firm of Bode & Grenier, LLP. At this time, there are no assets in the Decedent's estate except for the causes of action currently being litigated. For the purposes of the lawsuit, Mr. Boskovich entered into a written contingent fee agreement with Petitioner. In the next several days, Petitioner intends to file a Petition for Approval of the Contingent Fee Agreement with this Court. Petitioner requests the Court set a further status conference in November or December 2013.</p> <p>Order Approving Contingency Fee Agreement was filed 08/15/13.</p>	<p>1. Need Inventory & Appraisal <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

DOD: 1-15-09		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Report of Administrator of Insolvent Estate filed 10-21-13 is set for hearing on 12-4-13.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 19A – Crenshaw

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Partial I&A filed 8-14-13 Final I&A filed 10-1-13
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 20 – Dhooghe

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> I&A filed 6-7-13 Petition for Final Distribution filed 10-18-13 is set for hearing on 12-4-13.
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc Reviewed on: 10-22-13 Updates: Recommendation: File 21 – Hoak

Status Hearing Re: Filing of the Inventory and Appraisal

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> I&A filed 9-4-13
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skC			
Reviewed on: 10-22-13			
Updates:			
Recommendation:			
File 22 – Nelson			

Age: 30		NGOI NGUYEN , Father, was appointed Conservator of the Person and Estate on 9-19-13 with funds placed into a blocked account.	NEEDS/PROBLEMS/COMMENTS:
		On 9-19-13, the Court set this status hearing re receipt for blocked account.	1. Need status of settlement and receipt for blocked account (Mandatory Judicial Council Form MC-356).
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 10-23-13
			Updates:
			Recommendation:
			File 23 – Nguyen

Probate Status Hearing Re: Failure to File Inventory and Appraisal; Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 06/27/01	KATHLEEN KAY FRANCIS , niece, was appointed Executor on 10/09/01 and Letters were issued on 10/09/01.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 020113, 041913, 092013	Inventory & Appraisal has not been filed and was due in March 2002.	<u>CONTINUED FROM 09/20/13</u> Minute order from 09/20/13 states: Ms. Francis informs the Court that Michael Buettner is assisting her with this matter and all documents have been found and she is ready to proceed. Ms. Francis requests a continuance.
Aff.Sub.Wit.	Petition for Distribution has not been filed and was due in 2003.	As of 10/22/13, the following items remain due:
Verified		1. Need Accounting and Petition for Final Distribution.
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Notice of Status Hearing was filed 12/11/12. Clerk's certificate of mailing indicates that the Notice was mailed to Kathleen Kay Francis on 12/11/12.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Inventory & Appraisal filed 10/17/13 - \$1,616,795.15	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/22/13
		Updates:
		Recommendation:
		File 24 - Steele

Status Hearing Re: Filing of the Inventory and Appraisal

[illegible]

Atty Widdis, Lawrence A.; Widdis, Laura, of Widdis & Widdis, Glendale (for Petitioner Carol J. Wertheim)

Atty Fanucchi, Edward L., of Quinlan Kershaw & Fanucchi (Court-appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 91 years		CAROL J. WERTHEIM , daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications; and of the Estate with bond set at \$255,700.00 .	NEEDS/PROBLEMS/COMMENTS: This matter to be heard at 10:00 am. Court Investigator Advised Rights on 6/5/2013. Continued from 7/25/2013. Minute Order states the Court informs Mr. Gromis and Mr. Fanucchi to update the estate planning documents appropriately. Mr. Fanucchi is ordered to set up an appointment for another examination for Mr. Youngberg. The Court would like Mr. and Mrs. Youngberg present at the next hearing. Parties agree to meet for mediation today at 1:30 p.m. Status Report due 1 week before hearing. Note for background: Minute Order dated 6/20/2013 states Ms. Widdis and Mr. [Jason] Wertheim are appearing via Courtcall. The Court indicates to the parties that per the investigative report, it appears that a conservatorship is not necessary. The Court directs Mr. Gromis to provide copies of the estate planning and other documents to Mr. Widdis. ~Please see additional page~	
Cont. from 062013, 072513				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input checked="" type="checkbox"/>	Pers.Serv.	W/		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Cap. Dec.			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
		Estimated Value of the Estate: Personal property - \$250,000.00 Annual income - \$ 5,700.00 Total - \$255,700.00		
		Capacity Declaration of Jeffrey Mar, Ph.D., filed 6/3/2013 supports request for dementia powers and medical consent powers. Voting Rights NOT Affected Petitioner states the proposed Conservatee is 91 years of age and has atypical dementia with exaggeration of longstanding domineering and controlling personality tendencies that have become inappropriate, and at times, abusive to those around him, particularly his spouse [LAVERNE YOUNGBERG.] Petitioner states the proposed Conservatee has lost much of his cognitive and functional abilities, lacks judgment and is paranoid, and he is unable to provide for his medical care, food, clothing or shelter. Petitioner states proposed Conservatee has been housed in, and needs to continue to reside in, an assisted living caretaking environment. Court Investigator Jo Ann Morris' Report was filed on 6/7/2013. ~Please see additional page~		
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: LEG Reviewed on: 10/24/13 Updates: Recommendation: File 1 – Youngberg		

Status Report and Request for Continuance of Sixty Days filed by Attorney Fanucchi on 10/17/2013 states:

- At the previous Mediation on 9/20/2013, it was agreed that the proposed Conservatee would be examined by a licensed psychiatrist which the undersigned was to arrange;
- The attorneys for the Petitioner, Carol Wertheim, have agreed to permit the examiner of the proposed Conservatee by **HOWARD B. TERRELL, M.D.**, Board Certified in Psychiatry and Forensic Psychiatry;
- Medical records were ordered on 10/10/2013 for Dr. Terrell to review for preparation of his report following the examination;
- A continuance of the Further Status Hearing [sic] for **60 days** is requested to allow time for the examination, for receipt of medical records, preparation of Dr. Terrell's Report, and subsequent service on the parties, and a further Mediation, if necessary.

Second Supplement to Petition Re: (1) Additional Capacity Declaration; (2) Declaration Re: Conservasion with Grandfather on 9/21/2013; (a) Isolation at meals; (b) Excluded from Family Gatherings; (c) Medium/Long Term Memory Issues; (d) Misunderstanding of Surgical Risks; (e) Signing of Estate Planning Documents; (f) Do Not Resuscitate Order Not Accurate; (g) Specific Mental Ability Findings filed by Carol Wertheim on 10/18/2013 states, in brief sum:

- At the hearing on 7/25/2013, the Court ordered the proposed Conservatee be reexamined by a medical professional and, since Petitioner and her attorney do not know any doctors in the Fresno area, the court-appointed counsel Edward L. Fanucchi was to arrange for the examination;
- At the second medication on 9/20/2013, it was agreed by all those present that the Youngber family doctor, Dr. Rubio, not be the examiner;
- To date and to the best knowledge of Petitioner and her attorney, **no** additional examination f Mr. Youngberg has been completed [*emphasis in original*];
- Attached as *Exhibit A* is a *Capacity Declaration* completed by **JASON WERTHEIM, M.D., Ph.D.**, who is a licensed physician in the State of Illinois; *Exhibit B* is a declaration by Dr. Wertheim discussing proposed Conservatee's condition in detail; *Exhibit C* is Dr. Wertheim's curriculum vitae;
- Petitioner alleges that the conclusions of her son, Dr. Wertheim, mirror those of **JEFFREY MAR, M.D., Ph.D.**, as stated in the *Capacity Declaration* filed 6/3/2013 by him, and the 6/9/2012 handwritten evaluation of the proposed Conservatee by Dr. Mar attached as *Exhibit D*;
- Attached as *Exhibit E* is an Advanced Health Care Directive purportedly signed by Mr. Younberg on 9/3/2013 and notarized by Attorney David Paul Gromis;
- Attached as *Exhibit F* is a HIPPA Authorization for Release of Protected Health Information, offered, signed and notarized through the law office of Mr. Gromis dated 9/3/2013;
- Petitioner states it at the least an inappropriate time for her father to be signing any estate planning documents or HIPPA release forms while the conservatorship matter is pending, especially because Petitioner doubts preparation of said documents was her father's idea;
- **Therefore, Petitioner asks the Court to prohibit any person from offering Mr. Youngberg estate planning documents until this matter is decided** [*emphasis added*];
- Attached as *Exhibit G* is a copy of the Mediation Agreement signed by court-appointed attorney Edward L. Fanucchi, Dr. Jason Wertheim, Petitioner Carol Wertheim, and Dan Fry, son of Mrs. Youngberg, on 9/20/2013;
- Petitioner requests that the Court review the second agreement listed on page 1 of the Mediation Agreement (*Exhibit G*) which discusses phone service in Mr. Youngberg's room and who is responsible for ordering service – Mr. Fry; to date **no** phone has been installed [*emphasis in original*]; Petitioner states this is further proof of the isolation of Mr. Youngberg by Mrs. Youngberg's family and their unwillingness to comply with voluntary agreements;

~Please see additional page~

Second Supplement to Petition filed by Carol Wertheim on 10/18/2013, continued:

- Petitioner requests that the Court review page 3 of the Mediation Agreement (*Exhibit G*) which states the parties agreed on 9/20/13 that through the use of Mrs. Youngberg's cell phone, Mr. Youngberg would be available for phone calls from Petitioner and Dr. Wertheim on the first and third Sunday of the month between 3 and 4 p.m. or as mutually agreed; Attached as *Exhibit H* is an email from Dr. Wertheim stating he couldn't talk to his grandfather on the first Sunday he was supposed to be available through Mrs. Youngberg's cell phone;
- Petitioner states this is further proof of the isolation of Mr. Youngberg and the unwillingness to comply with voluntary agreements.

Petitioner Carol Wertheim asks that the Court approve her petition at this hearing since there is substantial evidence that Mr. Youngberg needs a conservator, that he is being pressured to sign estate planning documents, that he does not understand and therefore cannot agree to surgery, and that he is being isolated from his daughter and grandson.

Note: If Court grants Conservatorship of the Person and Estate, bond is required pursuant to Probate Code § 2320 and CA Rule of Court 7.207. Court will require updated information regarding the value of proposed Conservatee's estate to enable calculation of the required amount of bond.

Note: If Petition is granted for Conservatorship of the Estate, Court will set status hearings as follows:

- **Friday, December 6, 2013 at 9:00 a.m. in Dept. 303** for filing proof of bond;
- **Friday, February 28, 2013 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Friday, January, 8, 2016 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required

Notes for background:

- **Status Report and Recommendations of Court-Appointed Counsel filed by Edward L. Fanucchi on 6/19/2013 states:**
 - He met for almost 3 hours with the proposed Conservatee, his wife Laverne Youngberg, and his daughter, Carol Wertheim, at Sierra View Homes in Reedley, where the elder Youngbergs reside in separate apartments, and they are with each other on a daily basis; he invited the daughter to attend so he could get an understanding of the forces within the family that have caused the filing of this *Petition* by the daughter;
 - The interval history within 12 months indicates a mistrust by Mrs. Youngberg of the motives of Ms. Wertheim; Ms. Wertheim has noted estrangement with her father and Mrs. Youngberg, and this has caused Ms. Wertheim to become frustrated by her lack of involvement in the care and life of her father; things have happened on both sides that have caused this lack of good feelings in the relationship;
 - Mr. Youngberg and his daughter express love for each other; it is apparent that both father and daughter share the same controlling personalities, and that personality is not meeting with acceptance from Mrs. Youngberg and her son, Daniel Fry, who is playing an ever-increasing role in the financial affairs of the Youngbergs;

~Please see additional page~

Status Report and Recommendations of Court-Appointed Counsel filed by Edward L. Fanucchi on 6/19/2013, continued:

- Mr. Youngberg is mentally alert, focuses on subject matter, is oriented to time, place, person, and thing, and does look to his wife for her reassurance on most matters;
- Mr. Youngberg is not aware of the extent of his assets, nor does his wife seem to be so; they were surprised by the list of assets in excess of **\$700,000.00** prepared by their estate planning attorney, David Gromis; they were unaware of the effect of joint tenancy, especially as to any accounts where one of the joint tenants was someone other than the two of them;
- The Youngbergs repeated that on the death of the last of them, they expect their estate to be divided into 4 equal shares, one share to each of the 3 children of Mrs. Youngberg and one share to the only child of Mr. Youngberg;
- There would have been no way for me to have understood the family dynamics without the presence of Mr. Youngberg's daughter, who is a schoolteacher and who presents herself quite well both in dignity and communication;
- **Recommendations:**
 1. A Conservatorship should not be granted to anyone at this point in the state of health of Mr. Youngberg; he apparently has Power of Attorney in favor of Daniel Fry, and that seems to be working well; he has spoken to Attorney Gromis who prepared the estate planning documents which have yet to be executed, and Mr. Gromis may have some hesitation because of a psychological evaluation done by Psychologist Jeffrey Mar, but it appears that Mr. Youngberg is competent in understanding, focusing, and judgment, although he is getting assistance from his wife and her son Daniel Fry, as well as Mr. Gromis;
 2. If a Conservatorship is deemed appropriate, there should be Co-Conservators with Ms. Wertheim being one along with another from Mrs. Youngberg's family; it would be totally inappropriate to grant the Petition which would be contrary to the wishes of Petitioner's father and Mrs. Youngberg; it would stir up emotions that would be highly unsettling to the family, and it would not benefit Mr. Youngberg who is being taken care of quite well through residential care and through his wife and his Attorney-in-fact; there is no question that this daughter [Petitioner] can be and should be involved in his life, and, through the meeting yesterday, a door has been opened to allow this to happen.

Supplement to Petition Regarding Co-Conservators as Suggested by Court-Appointed Counsel filed by Petitioner Carol Wertheim on 7/15/2013 states:

- **Court-appointed Attorney's Report:** In the report filed by the court-appointed attorney for the proposed Conservatee, Attorney Edward Fanucchi, it is suggested on page 2 that if a conservatorship is deemed appropriate by the Court that Ms. Wertheim and Daniel Fry be appointed as Co-Conservators of the person and estate;
- **Petitioner Accepts Proposal:** Notice is hereby given that the Petitioner, Carol Wertheim, accepts advice given by Mr. Fanucchi and asks the Court to appoint her and Daniel Fry as Co-Conservators of the person and estate of her father;
- Petitioner is currently in Chicago, Illinois, assisting her son and family move into a new home (attorney signed the supplement on her behalf with her knowledge and approval, dated 7/11/2013.)

DOD: 03/11/10		OWEN R. OVERTON, Administrator, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Account period: 06/03/10 – 03/31/13	
		Accounting - \$665,255.84	This matter to be heard at 10:30.
		Beginning POH - \$521,763.15	
		Ending POH - \$560,590.84	<u>CONTINUED FROM</u> <u>10/18/13</u>
Cont. from 062013, 072413, 091913, 092713, 101813		Petitioner states that he intends to file a Petition for Final Distribution as soon as the sale of the real property asset of the estate is complete.	
	Aff.Sub.Wit.		Minute Order from 07/24/13 states: Ms. Overton will sign deed to allow sale of property. Execution of Documents necessary to close sale will not prejudice Ms. Overton on the on-going issues, especially not limited to her claim on property. Mr. Overton will put a percentage of money received into blocked account until issues are settled.
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioner prays for an Order: 1. Settling, allowing and approving the First Account.	Reviewed by: JF Reviewed on: 10/23/13 Updates: Recommendation: File 1A – Overton
		Objection to Petition for Settlement of First Account filed 06/14/13 states: 1. Objector objects to Schedule A paragraphs 1, 2 and 3 in that it is incomplete and does not characterize the property of the real estate and the personal property as separate, quasi community or community property. 2. Objector objects to Schedule B regarding the agreement that Ana Overton owes the estate \$11,484.77 for rent while living in her own apartment. Objector is 75 years old and her husband always promised her that she would have the units to live in and have money to live on. Objector felt pressured by Petitioner to make this agreement. Objector, as owner of the property should not have to pay rent to herself. If anything is owed, it would be \$2,871.19 to Owen Overton. 3. Objector objects to Schedule D regarding the sale of personal items in that the items are not described and how the sale price as basis of \$5,655.00 was determined, and when the items were sold the Objector never received a Notice of Proposed Action as required by the Code. 4. Objector objects to Schedule D items described as Involuntary conversion of \$16,108.09 of insurance proceeds as this is too broad and not understandable and should not be allowed. 5. Objector objects to Schedule J, paragraph 2, that she owes \$16,108.09 as it is very vague and lacks specificity for the basis of the claim. 6. Objector objects to Schedule J, paragraph 4 regarding money allegedly owed by Objector.	
		Objector requests: 1. The Court not approve the First Account as presented; 2. The Court make a determination of the estate property as community property; 3. For all other relief the Court may deem just and proper.	

DOD: 03/11/10 Cont. from 072413, 091913, 092713, 101813 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>w/</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td></td><td>Order</td><td>x</td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w/		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202			Order	x		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p>ANA D. OVERTON, surviving spouse, is Petitioner.</p> <p>Petitioner alleges:</p> <ol style="list-style-type: none"> The Administrator of the Estate has filed a Petition for Settlement of First Account. A dispute exists between the Administrator and Petitioner, the decedent's widow, regarding whether all the assets of the Estate are separate or community property. Petitioner believes that all of the assets of the estate are community in character because the real estate that was recently sold was in the name of decedent and Petitioner and was transferred out of Petitioner's name without her full knowledge and understanding of the deed that was presented to her by the Administrator. The Petitioner and decedent were married from 1997 until his death. Petitioner and decedent managed the real property together. Decedent owned the real property prior to the marriage and she helped him manage the property (an apartment complex) throughout their marriage. In 2004, Decedent transferred the real property to himself and Petitioner as husband and wife. (Copy of Grant Deed attached to Petition as Exhibit 1). On 09/11/07 without the knowledge of the Petitioner she executed a grant deed, recorded 09/24/07, transferring the property to her husband only and 20% to the Administrator (copy attached as Exhibit 2). The 09/11/07 grant deed was presented to Petitioner for signature by the Administrator without explanation of the consequences to her if she signed it. Petitioner states that she was told that the grant deed was only for the units owned by she and the decedent. <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This matter to be heard at 10:30.</p> <p><u>CONTINUED FROM 10/18/13</u></p> <p>Minute Order from 07/24/13 states: Ms. Overton will sign deed to allow sale of property. Execution of Documents necessary to close sale will not prejudice Ms. Overton on the on-going issues, especially not limited to her claim on property. Mr. Overton will put a percentage of money received into blocked account until issues are settled.</p> <p>1. Need Order.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: JF</td></tr> <tr><td>Reviewed on: 10/23/13</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 1B – Overton</td></tr> </table>	Reviewed by: JF	Reviewed on: 10/23/13	Updates:	Recommendation:	File 1B – Overton
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7. Also on 09/11/07, the decedent and Administrator (decedent's son), executed a Grant Deed to Robert G. Overton (decedent) and Ana D. Overton (Petitioner), Husband and Wife as joint tenants. The fact that two different deeds were executed on the same day demonstrates that someone was trying to pull something over on the Petitioner and in bad faith. (Exhibit 3).
8. There was no separate agreement signed by Petitioner nor was consideration paid to Petitioner when she signed the Deed. She did not have independent counsel review the documents before she signed it.
9. This was not the last time the Administrator presented a document to Petitioner to sign that turned out to be to her detriment. In April 2010, the Administrator presented a declination to serve as Personal Representative to Petitioner to sign without explaining to Petitioner what it was. Administrator presented the document to Petitioner stating that he needed her to sign it so that he could take care of the family owned apartment complex. Petitioner states that the Administrator came to her home at night and unduly influenced her to sign the declination to serve and wouldn't leave her home until she signed it.
10. The Administrator also unduly influenced Petitioner to sign the waiver of bond document. These documents were presented to Petitioner by the Administrator about 30 days after the decedent's death.
11. The real property located at 981 Pollasky in Clovis was community property and the proceeds of the sale of said property are therefore community property.
12. The Inventory & Appraisals filed in this matter fail to comply with Probate Code § 8850(c) and do not state whether or not the real and personal property was separate, community or quasi community property. This may be because the Administrator did not know the character of the property.

Wherefore, Petitioner requests that the Court determine the character of the estate property and those who are entitled to distribution of the estate assets.

Objections and Response to Ana Overton's Petition for Determination of Entitlement to Estate Distribution filed 07/19/13 by Owen R. Overton admits and denies portions of the Petition and states:

1. Respondent admits that there is a dispute between he and the Petitioner, decedent's widow. Respondent further admits that the decedent and Petitioner were married from November 1997 until the decedent's death.
2. Respondent alleges that the real property in question and all assets of the estate were the separate property of Decedent. Petitioner had previously held an interest in the real property with Decedent as joint tenants, but never as community property. Petitioner voluntarily and with full knowledge and understanding of the consequences deeded her interest to Decedent on or about September 11, 2007.
3. Respondent admits that Decedent owned the real estate prior to his marriage to Petitioner, but denies that Petitioner managed the units. Respondent and Decedent managed the units.
4. Respondent admits that Petitioner signed a deed transferring the real property to her husband as to 80% and to Respondent as to 20% but denies that Petitioner executed the deed without knowledge. On the contrary, the deed was read to Petitioner and explained to Petitioner by the agent of the lender that handled the transaction. Furthermore, Respondent commented that the deed was different in that it did not have Petitioner's name on it. Petitioner signed the deed voluntarily and with full knowledge of the consequences.
5. Respondent alleges that the deed was explained to Petitioner by an independent third party who presided over the transaction and notarized the document. Respondent also commented in Petitioner's presence that the deed was different than how title was held before.

Continued on Page 3

6. Respondent admits that there was a deed on the same date by Decedent and Owen Overton to Decedent and Ana D. Overton as joint tenants. Respondent believes that that deed was recorded prior to the other deed signed on that date. Respondent alleges that the purpose of the two deeds was not to "pull something over on Petitioner", but to enable Petitioner and Decedent to obtain a loan on the real property so that Decedent and Petitioner could spend the money. Decedent and Petitioner intended to temporarily take Respondent's name off the property so that Decedent and Petitioner could obtain a loan on the property in their name alone. Respondent alleges that the loan was obtained and Decedent and Petitioner intended to restore title to the property to its prior status before Decedent added Petitioner's name to the property, namely 80% to Decedent and 20% to Respondent. The deed of trust which resulted from this transaction was executed by Decedent and Petitioner alone and was recorded more than one month after the deed which Decedent and Petitioner granted the property 80% to Decedent and 20% to Respondent. Respondent alleges that the fact that the deed of trust executed by Decedent and Petitioner was recorded after the deed by which Petitioner relinquished her interest in the property causing the title company to take the position that there was a cloud on the title to the property. The sale of the property which was confirmed and ordered by this court on 06/05/13 has not yet closed because the escrow company, while acknowledging that Petitioner had relinquished title to the property, has asked that Petitioner sign the deed transferring the property to the respective buyer to clear up what the escrow company considers a cloud on the title caused by the deed and deed of trust which were recorded out of sequence. Petitioner has refused to sign the grant deed.
7. Respondent states that it is outrageous for Petitioner to allege that there was no consideration paid when the transaction resulted in a \$100,000.00 loan, proceeds of which Petitioner has received and spent.
8. Respondent admits that he presented a Declination to Act and Waiver of Bond to Petitioner but denies all other allegations regarding the presentation of these documents.
9. Petitioner has made no allegations regarding the characterization of the personal effects, jewelry, works of art, and household furniture and furnishings of the estate, but these items are separate property as well.
10. Even if it was determined that Petitioner signed the deed relinquishing her interest in the real property without understanding what she was signing, which is rejected by Respondent, it is impossible to conclude that the result is that Petitioner had a community property interest in the property. In fact, Petitioner and Decedent never characterized the property as community property; rather they characterized it as joint tenancy. Decedent also signed the deed by which Petitioner relinquished her interest in the real property and in doing so, Decedent severed the joint tenancy. If Petitioner had any interest in the property, it was limited by the fact that Decedent had severed the joint tenancy and the interest he retained after severing the joint tenancy was his separate property and it does not pass entirely to Petitioner, but passes pursuant to the laws of intestate succession for separate property.
11. Respondent further alleges that Petitioner has obstructed the administration of the estate. She has objected at every stage of the proceeding, including the petition for letters of administration. She has made repeated claims that she did not understand documents that she was signing or the meaning of various actions or proceedings in spite of the fact that she has been represented by at least two attorneys during the duration of the administration of the estate. There was a fire in Petitioner's apartment on the real property shortly after the administration of the estate opened which delayed the process of selling the property for almost 2 years. Thereafter, Petitioner expressed a strong desire to sell the property and pressured Respondent for the last year to find a buyer for the property. However, she attempted to thwart potential sales of the property by telling anyone who would listen that the property was not for sale. She shared confidential information by telling certain tenants what other tenants were paying in rent in an attempt to create dissension among the tenants.

Continued on Page 4

12. When Respondent finally procured a buyer for the property and gave notice of proposed action, Petitioner objected. Respondent then went to court to obtain an order confirming the sale. Again Petitioner objected, but the Court ordered the sale. Now the title company has required Ana's signature on the deed to clear a cloud on title, but she has refused to sign, further obstructing the sale and Respondent's efforts to comply with an Order of this Court.

Wherefore, Respondent prays for an order as follow:

1. That the Court determine that the character of all the estate property including the real property located at 981 Pollasky Avenue, Clovis, CA as well as the personal effects, jewelry, works of art, and household furniture and furnishings is the separate property of Decedent and that the entire estate should be distributed according to the laws of intestate succession for separate property.
2. That the Court order Petitioner to join in executing the deed transferring the real property located at 981 Pollasky Avenue, Clovis, CA to the buyer as ordered in the Order Confirming Sale of this Court on or about 06/05/13.